

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

EMC100

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on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Application Number

10/731,797

Filed

12/09/2003

First Named Inventor

Howard H. Green

Art Unit

2155

Examiner

TRAN, Philip B.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record. 41,031  
Registration number \_\_\_\_\_

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 \_\_\_\_\_



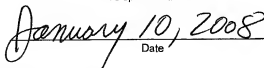
Signature

Charles D. Gavrilovich, Jr.

Typed or printed name

619 271 0382

Telephone number



Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.

Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application	)	For:	APPARATUS, SYSTEM, AND
No. 10/731,797	)		METHOD FOR AUTONOMY
	)		CONTROLLED MANAGEMENT OF
	)		A DISTRIBUTED COMPUTER
Inventor: Howard H. Green	)		SYSTEM
	)		
	)	Examiner:	TRAN, Philip B
	)		
Filed: December 09, 2003	)	Group No.	2155

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action dated October 18, 2007, please consider the following pre-appeal brief request for review. In the Final Office Action, the Examiner rejected pending claims 1 and 3-49. More specifically, the Examiner rejected claims 1 and 3-49 under 35 U.S.C. 102(e) as being anticipated by Reichmeyer (U.S. Pat. No. 6,286,038). The applicant submits this Pre-Appeal Brief with a Notice of Appeal as the applicant believes the Examiner has committed a clear error in finding the claimed limitations recited in the independent claims are shown in Reichmeyer.

**Claims 1 and 3-14**

As amended, claim 1 recites a method comprising “identifying, based on a user-defined autonomy criteria, a non-autonomous configuration task of a plurality of configuration tasks of an autonomy-based configuration procedure.” Applicant respectfully submits that Reichmeyer does not discuss or show this feature. Reichmeyer teaches to configure devices with the generation of configuration information which is either fully manual, fully automatically, or partially manual and partially automatic. (Col. 10, Lines 28-32). The generating of configuration information does not include user defined autonomy criteria on which an identification of a non-autonomous configuration task can be based. In Reichmeyer, a system administrator provides the actual configuration parameters and does not provide user defined autonomy criteria for identifying configuration tasks that are non-autonomous tasks. The system administrator is manually prompted for additional configuration parameters when required in addition to the default parameters. The system does not use user defined autonomy criteria to determine whether a particular task is a non-autonomous task. For example, a task that requires user input in Reichmeyer can not be changed to a task that does not require user input. There is no criterion that dictates whether a task is non-autonomous. Accordingly, Reichmeyer can not identify a task as being non-autonomous. When rejecting claims 3-5, the Examiner indicates that the claimed “autonomy criteria” reads on the “parameters” in Reichmeyer. Applicant respectfully submits that “parameters” discussed in Reichmeyer are significantly different from the claimed autonomy criteria. The parameters do not indicate whether a task should be performed non-autonomously. Although the generating the configuration information in Reichmeyer may be fully manual, fully automatic, or partially automatic and partially manual, the “parameters” provided by the administrator do not change whether the generation is automatic or manual. The parameters are simply values used for the configuration.

Claim 1 further recites “refraining from executing the non-autonomous configuration task until authorization is received”. Applicant respectfully submits that Reichmeyer does show or discuss this feature. Reichmeyer discusses receiving parameters and does not discuss receiving authorization. There is no suggestion that a parameter could be an authorization to execute a non-autonomous task. Accordingly, applicant respectfully submits that all of the limitations are not shown in Reichmeyer and that claim 1 is allowable.

Regarding claims 3-14, these claims depend from claim 1 which applicant submits is allowable. Accordingly, applicant respectfully submits that claims 3-14 are allowable for at least the reason that they depend from an allowable base claim.

**Independent Claims 15 19, 20, 24, 42 and 46**

Claims 15, 19, 20, and 42 recite "identifying the at least one non-autonomous configuration task by applying the autonomy criteria to each configuration task of an autonomy-based configuration procedure for configuring a distributed computer system". Applicant respectfully submits that Reichmeyer does not discuss or show this feature. Reichmeyer discusses a configuration procedure that may be either automatic or manual or partially automatic and manual but does not suggest that a non-autonomous configuration task is identified by applying autonomy criteria to each task. Each task either does or does not require input from administrator. The tasks are not evaluated by applying autonomy criteria to each configuration task. The Examiner cited to the Abstract and FIG. 3 for support that limitation is shown in Reichmeyer. After careful examination of these sections, however, it is clear that autonomy criteria is not applied to any configuration tasks to identify at least one non-autonomous configuration task. The Abstract discusses configuring a network device by generating configuration information at a central configuration server. Nothing in this section, however suggests that autonomy criteria is used. FIG. 3 shows an exchange of configuration information but does not show the application of autonomy criteria.

Claims 15, 19, 20, 24, 42 and 46 further recite "requesting authorization for executing the at least one configuration task". Applicant respectfully submits that Reichmeyer does not discuss or show this feature. Reichmeyer discusses requesting parameters but there is no indication that any of the parameters indicate authorization to execute a configuration task.

Claims 15, 19, 20, 24, 42, and 46 further recite "refraining from executing the non-autonomous configuration task until authorization is received from an administrator". Applicant respectfully submits that Reichmeyer does not discuss or show this feature. As discussed above, Reichmeyer does not discuss receiving authorization from an administrator.

Claim 19 further recites "receiving autonomy criteria entered by an administrator through a user interface". Applicant respectfully submits that Reichmeyer does not discuss or show this

feature. As discussed above, Reichmeyer teaches to receive configuration parameters and not autonomy criteria. Accordingly, applicant respectfully submits that these limitations are not shown in Reichmeyer and that claims 15, 19, 20, 24, 42 and 46 are allowable.

#### **Claim 28**

Claim 28 recites "refraining from executing a non-autonomous configuration task of a plurality of configuration tasks of an autonomy-based configuration procedure until authorization is received". Applicant respectfully submits that Reichmeyer does not discuss or show this feature. As discussed above, Reichmeyer does not discuss receiving authorization from an administrator.

#### **Claims 16-18, 21-23, 25-27, 29-41, 43-45, and 47-49**

Regarding claims 16-18, 21-23, 25-27, 29-41, 43-45, and 47-49, these claims depend from claim one of claims 15, 19, 20, 24, 28, 42 or 46 which applicant submits are allowable. Accordingly, applicant respectfully submits that claims 16-18, 21-23, 25-27, 29-41, 43-45, and 47-49 are allowable for at least the reason that they depend from an allowable base claim.

#### **Conclusion**

The applicant respectfully submits that the Examiner has made a clear error in finding that the limitation of a time indicator indicating whether the time stamp value is a local time of the message center is found in the references. For all the foregoing reasons, an allowance of claim 1 and 3-49 pending in the present application is respectfully requested.

Dated: January 19, 2008

Respectfully submitted,

By: 

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